

7320-146.WAM.366304

REMARKS

In the Office Action dated June 20, 2005, the Examiner noted the prior restriction and election requirement. A provisional election has been made with traverse to prosecute claims 14-26. Applicant hereby affirms this election, with traverse as discussed below. Pending reconsideration of the restriction and election requirement, claims 14-26 have been examined, and claims 1-13 and 27-39 have been withdrawn from consideration by the examiner.

The examiner has initially rejected claims 14-26, as further discussed below. Reconsideration of the present application as amended and in view of the additional discussion below is respectfully requested.

As an initial matter, Applicant thanks the Examiner for confirming that the information disclosure statement submitted on 12 December 2001 has been considered. Applicant further thanks the Examiner for indicating that the drawings filed on 24 August 2001 are accepted.

THE REJECTIONS UNDER 35 U.S.C. §102

Claims 14-26 were initially rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,841,854 to Schumacher et al. In order to anticipate a claim, each and every limitation in the claim must be disclosed in a single reference. It is respectfully submitted that Schumacher fails to disclose the features recited in claim 14 and dependent claims 15-26.

Schumacher discloses a server 60 or 90 in data communication with a database 170 which contains availability information regarding a plurality of users. Schumacher teaches a plurality of personal communication subsystems, such as 110, in wireless communication with server 60 or 90 and each registered with a user stored in database 170. Schumacher also discloses a data connection between said server 60 or 90 and a first one of said subsystems 110 registered to a user. This data connection is described so as to provide notifications or alerts to a

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user that a call is waiting to be serviced as well as screening information. In order to receive the call the user must either dial into the system or already have a forwarding number entered in the database.

In contrast, the invention recited in claim 14 is directed to a system having a server capable of utilizing a data channel to communicate availability information to the user subsystems and capable of responding to commands from said subsystems sent over said data channel. For example, a user may be able to request that the server send a call to voicemail or re-route the call to another number. The user may also send a data message to the server which dynamically changes the user's forwarding number. The system of claim 14 would transmit this command over the data channel, while the system disclosed in Schumacher only enables the user to perform such functions using DTMF tones or voice commands. The Schumacher system does not disclose these functions in response to commands sent over a data channel.

The data channel transmissions further enable a user of the system of claim 14 to request to receive notification when a certain user returns from an "away" status. Once notification arrives, the user can simply send a data command instructing the system to place a call to the user. Accordingly, Schumacher does not disclose all the elements recited in claim 14, and claim 14 is believed allowable. Accordingly, withdrawal of the rejection of claim 14 in view of Schumacher is respectfully requested.

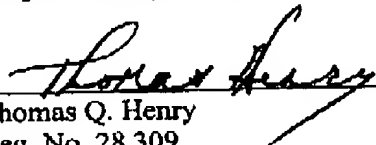
Claims 15-26 depend directly or indirectly from claim 14, and are allowable at least because claim 14 is allowable and also for the reasons provided above. Accordingly, withdrawal of the rejection of claims 1-26 under 35 USC 102(b) in view of Schumacher is respectfully requested.

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In conclusion, reconsideration and allowance of this application is requested in view of the amendments and remarks made herein. Specifically, claims 14-26 are now in condition for allowance. If there are any outstanding issues, the Examiner is invited to contact the undersigned attorney by telephone for their resolution.

Respectfully submitted,


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